

Consideration for preliminary adoption of 312 IAC 18-3-24 to regulate “thousand cankers disease”; Administrative Cause No. 10-083E

“Thousand cankers disease” refers to a lethal insect-fungal pathogen pest complex of walnut that is occasioned by the presence of the walnut twig beetle and the fungus *Geosmithia morbid* sp. nov. Several western states have severe infestations of this disease complex which has resulted in loss of significant sized populations of walnut trees. To date, no means of control have been developed to control the disease. In Indiana, black walnut trees are often planted as an investment crop in plantations. Indiana ranks third in production of walnut timber in the United States. Black walnut and other walnut species are highly susceptible to the insect-fungal pathogen pest complex. The proposed rule requires persons from known infested states to have materials inspected and certified free of the disease at the point of origin prior to entry into the State of Indiana.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #

DIGEST

Adds 312 IAC 18-3-24 pertaining to entomology and plant pathology to regulate the walnut twig beetle (*Pityophthorus juglandis*) and *Geosmithia morbida* sp. nov, a fungus that kills walnut trees. Effective 30 days after filing with the Publisher.

312 IAC 18-3-24

SECTION 1. 312 IAC 18-3-24 IS ADDED TO READ AS FOLLOWS:

312 IAC 18-3-24 Control of thousand cankers disease

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 24. (a) The walnut twig beetle (*Pityophthorus juglandis*) is:

- (1) a pest or pathogen; and**
- (2) regulated under this section.**

(b) *Geosmithia morbida* sp. nov is:

- (1) a pest or pathogen; and**
- (2) regulated under this section.**

(c) The definitions in 312 IAC 1, 312 IAC 18-1, and as set forth in this subsection apply throughout this section:

- (1) “Bark” means the natural bark of a tree. The term applies to the bark around the knots and bark pockets between annual-growth rings, including an additional one-half (1/2) inch of wood and the vascular cambium.**

(2) “Compliance agreement” means a written agreement between the state entomologist and a person that moves a regulated article into Indiana.

(3) “Move” means to:

- (A) ship;
- (B) offer for shipment;
- (C) receive for transportation;
- (D) transport;
- (E) carry; or
- (F) allow to move or ship.

(4) “Regulated area” refers to each of the following:

- (A) Arizona.
- (B) California.
- (C) Colorado.
- (D) Idaho.
- (E) Nevada.
- (F) New Mexico.
- (G) Oregon.
- (H) Pennsylvania.
- (I) Tennessee.
- (J) Utah.
- (K) Virginia.
- (L) Washington.
- (M) Another area of the United States determined by the state entomologist to have thousand cankers disease.

(5) “Regulated articles” means each of the following:

- (A) The walnut twig beetle in any living stage of development.
- (B) *Geosmithia morbid* sp. nov.
- (C) Any of the following originating from or transiting through a regulated area:
 - (i) Firewood of any non-coniferous species.
 - (ii) Plants and plant parts of walnut, including the following:
 - (AA) Nursery stock.
 - (BB) Budwood.
 - (CC) Scionwood.
 - (DD) Green lumber.
 - (EE) Other material whether living or dead, such as logs, stumps, roots, branches, and chips.
 - (FF) Exempted plant parts of walnut are nuts, nut meats, hulls, processed lumber that is 100% bark free, kiln-dried with square edges and finished wood products without bark (ex. furniture, instruments, and gun stocks).
- (6) “State plant regulatory official” means the national plant board member of the state of origin.
- (7) “Thousand cankers disease” refers to a lethal insect-fungal pathogen pest complex of walnut that has been detected in the states identified in Section (c)(4) and that is occasioned by the presence of the walnut twig beetle and *Geosmithia morbid* sp. nov.
- (8) “Walnut” means *Juglans* spp.

- (d) A person must not move any regulated articles into or through Indiana unless the person:
 - (1) obtains a compliance agreement from the division and ensures a copy of the compliance agreement remains with the regulated article during transit within Indiana; and
 - (2) has the regulated article inspected at the point of origin by a state department of agriculture or state regulatory official; and

(3) delivers a phytosanitary certificate, issued by the state plant regulatory official, to the state entomologist at least twenty-four (24) hours before the regulated article enters Indiana.